

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above amendments and the following remarks. Currently, Claims 1-40 are pending

Amendment to the Claims

Independent Claims 1 and 20 have been amended to include the limitation of the mesh liner comprising a material having a hole size permeable to sand. Independent Claims 27 and 34 have been amended to include the limitation of the liner comprising a material having a hole size permeable to sand. Support for these amendments is provided at page 11, lines 13-17, at page 20, lines 6-17, and at page 23, line 1-2.

No new matter has been added by this Amendment. No additional fee is due for this Amendment because the number of independent claims remains unchanged.

Claim Rejections - 35 U.S.C. §102

Roe, et al.

The rejection of Claims 1-2, 5, 7-12, 18-23 and 26-40 under 35 U.S.C. §102(e) as being anticipated by Roe et al. (U.S. 2003/0100872, hereinafter "Roe, et al.") is respectfully traversed.

The Examiner states on page 2 of the Office Action that the garment of Roe, et al. includes a mesh liner and specifies item 50 as a mesh liner. Applicants respectfully disagree that item 50 of Roe, et al. is a mesh liner as defined in Applicants' Specification.

Applicants' Independent Claims 1, 20, 27 and 34, as amended, require that the mesh liner, or liner, comprise a material having a hole size permeable to sand.

Applicants' Specification defines the term "mesh" on page 11 of the application as follows:

“Mesh” refers to a material that has the ability to allow fluid and particulates of a specific size range to filter through. This can be accomplished by mechanical means (e.g., pin roll aperturing) or the process by which to make the material (hydroentangling, meltblowing, spunbonding). The material has an open network that allows fluid or particulates of a specific size to pass through it.

In addition, the Specification at page 23 discusses the mesh liner 190 and indicates that the mesh liner 190 is made of the mesh material described on page 20. (Page 23, lines 1-2). Page 20, at lines 6-17, specifies that the material for another embodiment of the invention can be a mesh material and also specifies that the mesh material is permeable to liquid and fine particulates such as sand.

Roe, et al. discloses a wearable article with a wetness sensation member that increases a wearer’s awareness that urination has occurred. The wetness sensation member 50 comprises a permeable layer 52, which is permeable to liquid, and an impermeable layer 54, which is permeable to vapor but impermeable to liquid. The impermeable layer 54 of the wetness sensation member retains the liquid and expands the wetted area to maximize the wetness signal to the wearer. (Paragraphs 0023, 0041 and 0042).

Since the impermeable layer 54 is impermeable to liquid, it would therefore be impermeable to particulates, including sand. Neither the wetness sensation member 50, nor either of its components, the permeable layer 52 and the impermeable layer 54, is permeable to sand. Since the impermeable layer 54 component of the wetness sensation member 50 is impermeable to liquid, then the wetness sensation member 50 as a whole is impermeable to liquid. Moreover, a wetness sensation member that was permeable to sand would also clearly be permeable to liquid and would obviously defeat the purpose of increasing the wearer’s awareness that urination has occurred. Roe, et al. could not have contemplated a wetness sensation layer permeable to sand.

For at least the reasons presented above, Applicants respectfully submit that Claims 1-2, 5, 7-12, 18-23 and 26-40 are not anticipated by Roe, et al. Thus, Applicants respectfully request withdrawal of this rejection.

Mizutani, et al.

The rejection of Claims 1-5, 7-12, 20-23 and 26 under 35 U.S.C. §102(e) as being anticipated by Mizutani al. (U.S. 2002/0028624, hereinafter "Mizutani, et al.") is respectfully traversed.

The Examiner states on page 5 of the Office Action that the garment of Mizutani, et al. includes a mesh liner and specifies item 12 as a mesh liner. Applicants respectfully disagree that item 12 of Mizutani, et al. is a mesh liner as defined in Applicants' Specification.

Mizutani, et al. discloses an absorbent article with a fibrous layer stacked on a porous film. The absorbent article includes a backing sheet 7, an absorbent core 8, and a liquid permeable surface layer 10. The liquid permeable surface layer 10 includes a porous film 11 and a fibrous layer 12 stacked on the porous film 11. Although the porous film 11 is porous, the fibrous layer 12 is not a porous material. The purpose of the fibrous layer 12 is to provide soft contact feeling to the skin of the wearer and to reduce irritation to the skin of the wearer caused by the porous film by reducing the possibility that the porous film will come into direct contact with the skin of the wearer. The fibrous layer 12 is arranged in the form of spaced parallel strips as shown in Fig. 1 and the fibrous layer 12 is joined to the porous film so that the holes in the porous film 11 beneath the fibrous layer 12 are exposed between adjacent strips of the fibrous layer 12. The fibrous layer 12 also includes looped portions as shown in Fig. 2. Because the fibrous layer 12 is raised from the surface of the porous film 11 at the loop portions, liquid applied to the fibrous layer flows down to the porous film through the holes and to the absorbent core 8. (Paragraphs 0011 to 0048).

Applicants' Independent Claims 1 and 20, as amended, require that the mesh liner comprise a material having a hole size permeable to sand. The fibrous layer 12 of Mizutani, et al., as described above, is not a porous material and thus, cannot have a hole size permeable to sand.

Mizutani, et al. does not disclose that the fibrous layer 12 comprises a material with a hole size permeable to sand.

For at least the reasons presented above, Applicants respectfully submit that Claims 1-5, 7-12, 20-23 and 26 are not anticipated by Mizutani, et al. Thus, Applicants respectfully request withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 6, 13-17 and 24-25 under 35 U.S.C. §103(a) as being unpatentable over Mizutani, et al. is respectfully traversed.

Claims 6, 13-17 and 24-25 depend from Claims 1 and 20. On pages 6 and 7 of the Office Action, the Examiner states that Mizutani, et al. discloses all aspects of the claimed invention with the exception of the limitations of Claims 6, 13-17 and 24-25.

Applicants respectfully disagree that Mizutani, et al. discloses all other aspects of the claimed invention.

One of the factors in establishing a prima facie case of obviousness is that the prior art references must teach or suggest all the claim limitations. As discussed above with respect to Claims 1 and 20, Mizutani does not disclose all of the limitations of Claims 1 or 20.

For at least the reasons presented above, Applicants respectfully submit that Claims 6, 13-17 and 24-25 are not rendered obvious by Mizutani. Thus, Applicants respectfully request withdrawal of this rejection.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Respectfully submitted,



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